

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE CROP PROTECTION  
PRODUCTS LOYALTY PROGRAM  
ANTITRUST LITIGATION

1:23-md-3062-TDS-JEP

This document relates to: ALL ACTIONS

ORDER

This matter is before the Court on Plaintiffs' Motion for Protective Order [Doc. #68]. In the Motion, Plaintiffs seek entry of a protective order for the purpose of providing interim class counsel and liaison counsel access to the unredacted complaints in the Government Action, Federal Trade Commission v. Syngenta Crop Protection AG, 1:22CV828. However, Defendants oppose the request, noting that the Court has already denied Plaintiffs' request for pre-complaint discovery. As noted by Defendants, in the Case Management Order, the Court declined Plaintiffs' request to set an early deadline for submission of proposed protective orders. In addition, in the Scheduling Order, the Court denied Plaintiffs' request for information from Defendants relating to the Government Action, including information relating to the FTC investigation that led to that action. Defendants note that Plaintiffs' present request seeks an end-run around these rulings, and would raise many of the same issues that led the Court to conclude that such early discovery regarding the Government Action was unwarranted. Further, the proposed protective order purportedly applies to both actions, but the cases are separate, and entry of a global protective order that purports to cover both cases but without agreement of all parties creates confusion and inappropriate blurring

of the separate actions. Finally, Defendants note that Plaintiffs must make good faith assertions in the complaint based on their own knowledge and information, and it is not necessary at this stage to obtain allegations from another case. Having considered the briefing, the Court finds that the concerns raised by Defendants are well taken. In addition, to the extent Plaintiffs may be objecting to the pending Motions to Seal in the Government Action, those Motions to Seal are pending with the Court, and the various interests can be considered and addressed in ruling on the Motions to Seal. If the Motions to Seal are denied in whole or part, Plaintiffs can seek leave to further amend the operative complaint in the present case if appropriate, as they could with any new or additional information that becomes available that would affect the allegations or claims asserted.

IT IS THEREFORE ORDERED that the Motion for Protective Order [Doc. #68] is DENIED at this time.

This, the 15<sup>th</sup> day of August, 2023.

/s/ Joi Elizabeth Peake  
United States Magistrate Judge